REMARKS/ARGUMENTS

Claims 1-3 stand rejected as being unpatentable over published patent application US 2002/0138290 A1 (hereinafter referred to as Metcalfe) in view of article titled "Teach Yourself HTML 3.2 in 24 hours" (hereinafter referred to as Oliver) and further in view of article titled "Manufacturer-supplier relationship in a JIT environment" (hereinafter referred to as Chen). Claims 4 and 8 stand rejected as being unpatentable over Metcalfe in view of Oliver, and further in view of Chen, and still further in view of published patent application US 2003/0110104 A1 (hereinafter King). Claim 4 was objected to as a lacking antecedent basis for the phrase "the new purchase order information". Reconsideration of the rejections and objection is requested in view of the foregoing amendment and the following remarks.

Claim 4 has been amended to correct the above-noted informality, and thus the objection stated in the Office Action should be removed. Claims 5-7 have been cancelled.

Claims 1 and 8 have been amended to highlight aspects of the present invention that may not have been fully appreciated during the examination of claims, and which aspects are neither disclosed nor suggested by the cited art.

Claim 1 is directed to a computer-based method for managing delivery of goods from a supplier to a buyer. The computer-based method is programmed to accommodate a situation that arises when the buyer requests an update to an order originally placed by the buyer. The method allows providing a Web page including a first data field for inputting an original purchase order identifier for identifying an order originally placed by the buyer. The method further allows providing a second data field in the Web page for inputting a new purchase order identifier for identifying an updated order placed by the buyer. The original purchase order identifier is processed for

retrieving original order information associated with the original purchase order. The new purchase order identifier is processed for retrieving updated order information associated with the updated order. The new purchase order identifier is related to an original delivery slot assigned to the original purchase order. The original delivery slot is assigned to the updated order so that the original delivery slot is kept notwithstanding of modifications made by the buyer to the original order.

The Office Action correctly recognizes some basic deficiencies regarding the main reference (Metcalfe) regarding the claimed subject matter. The Office Action then proceeds to combine Metcalfe with various secondary references that purportedly correct the deficiencies of Metcalfe. However, for the reasons set forth below, the combination of such references fails to establish a *prima facie* case of obviousness of the applicant' claimed invention.

What does Oliver teach in connection with the claimed invention?

The office action cites a sentence in Oliver —*Web forms allow you to receive feedback, orders or other information from the readers of your Web pages*— together with an example of inputting credit card information into a web page. These generalities are the entire teachings of Oliver, which are mentioned in the Office Action. It is noted, however, that applicant is not claiming just the step of entering input information into a Web page. The claimed invention is a combination of steps and must be analyzed as such. Section 103 specifically requires consideration of the claimed invention "as a whole." Nowhere Oliver describes anything that is directly related to a situation that arises when the buyer requests an update to an order originally placed by the buyer.

What does Chen teach in connection with the claimed invention?

The Office Action then cites a paragraph in the Chen article, which is completely taken out of context. More specifically, the article describes that delivery in small lot

sizes is a hallmark of Just-In-Time (JIT) techniques. See page 6, paragraph 3 of Chen. Chen goes on to describe on the very next paragraph that "most Chinese companies rely heavily on a large lot size based on a delivery schedule specified in the purchase order, . . ." Thus, the point that Chen is making is that most Chinese companies are still not fully up to speed regarding lot size selection and JIT techniques. However, how this logically relates to the claimed invention is a mystery to the applicant. The Office Action makes reference to other paragraphs of Chen that at best offer tangential generalities regarding the claimed invention. For example, page 5, paragraph 2 states "in a JIT system where buffer stocks have been removed, dependable deliveries are vital, as the failure of a supplier to keep to a delivery schedule could close down a line". Again how this logically relates to the claimed invention is a mystery. After making reference to the foregoing generalities, the Office Action essentially declares that the operational relationships recited in the claim are obvious. However, nowhere Chen describes anything that is directly related to a situation that arises when the buyer requests an update to an order originally placed by the buyer.

In making the assessment of differences, section 103 specifically requires consideration of the claimed invention "as a whole." Inventions typically are new combinations of existing elements or steps. The "as a whole" instruction in title 35 prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention into its individual steps (A + B + C), then find a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention as obvious. And this is precisely what the Patent Office has done in this case to reject claims. Section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole. See also M.P.E.P. section 2142 that outlines the legal concept of prima facie obviusness that the Examiner must follow. The Examiner must make a determination whether the claimed invention "as a whole" would have been

obvious . . . knowledge of applicant's disclosure must be put aside in reaching this determination . . . the tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided.

In view of the foregoing discussion, it is respectfully submitted that the Office Action fails to establish a *prima facie* case of obviousness of the applicant's claimed invention since it ignores and/or eviscerates the "as a whole" instruction in title 35 and inappropriately evaluates the claimed invention part by part. Accordingly, applicant respectfully requests that the rejection be withdrawn, or in the alternative, that the Patent Office provide an Office Action that appropriately establishes a *prima facie* case of obviousness of the applicant's claimed invention. This Office Action simply fails to do so. For the above reasons, claim 1, and claims 2-4 depending therefrom, are believed to be in condition for allowance.

In connection with dependent claim 4 and independent claim 8, the Office Action further cites King as obviating the additional operational relationships recited therein. As discussed above, the combination of Metcalfe, Oliver, and Chen fails to establish a *prima facie* case of obviousness. King fails to remedy the above-discussed *prima facie* deficiencies. Consequently, the resulting Metcalfe/Oliver/Chen/King combination built on a defective foundation also fails to establish a *prima facie* case of obviousness. Accordingly, withdrawal of the rejections is requested. For the above reasons, claims 4 and 8 are believed to be in condition for allowance.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

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The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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